

PAULEN J.

JUDGE PAULEY

11 CIV 5674

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

BUNKERNET LIMITED,

Plaintiff,

-against-

NEWLEAD HOLDING LIMITED a/k/a  
NEWLEAD HOLDINGS LTD.,

Defendant.

11 Civ.

**ORDER DIRECTING CLERK  
TO ISSUE PROCESS OF  
MARITIME ATTACHMENT AND  
GARNISHMENT AND  
APPOINTING PROCESS SERVER**

**WHEREAS**, on August 15, 2011, Plaintiff, BUNKERNET LIMITED, filed a Verified Complaint in the captioned action seeking damages of USD 634,028.31, and praying for issuance of Process of Maritime Attachment and Garnishment pursuant to Rule B of the Supplemental Admiralty Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure; and,

**WHEREAS**, the Court has reviewed the Verified Complaint and the Supporting Affidavit of Katherine N. Christodoulatos, Esq. dated August 15, 2011, and finds that the conditions of Supplemental Admiralty Rule B appear to exist, and

**WHEREAS**, Plaintiff has moved for an Order pursuant to Fed.R.Civ.P. 4(c)(3) and Supplemental Admiralty Rule B(1)(d)(ii) appointing Katherine N. Christodoulatos, Esq., or any other person appointed by Katherine N. Christodoulatos, Esq. who is over 18 years of age and is not a party to this action, to serve Process of Maritime Attachment and Garnishment in this matter, and it appearing that such appointment will result in substantial economies in time and expense, it is hereby

**ORDERED**, that Process of Maritime Attachment and Garnishment shall issue against all tangible or intangible property belonging to, claimed by or being held for Defendant at garnishees JPMORGAN CHASE BANK, N.A., DEUTSCHE BANK TRUST COMPANY AMERICAS, and BANK OF SCOTLAND, upon whom a copy of the Process of Maritime Attachment and Garnishment may be served, in an amount of up to USD 634,028.31, pursuant to Rule B of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure; and, it is further,

**ORDERED**, that any person claiming an interest in any property attached or garnished pursuant to this Order shall, upon application to the Court, be entitled to a prompt hearing at which the Plaintiffs shall be required to show why the attachment and garnishment should not be vacated; and it is further,

**ORDERED**, that any person at least 18 years of age and not a party to this action employed with or appointed by CHALOS & CO., P.C. be and hereby is appointed to serve this Order and Process of Maritime Attachment and Garnishment on the garnishees identified above and on such additional garnishees as so permitted herein; and it is further,

**ORDERED**, that supplemental process specifying other or additional garnishees and enforcing the Court's Order may be issued by the Clerk without further Order of the Court; and it is further,

**ORDERED**, that initial service by the United States Marshal or other designated process server shall be made personally upon each garnishee, provided however that, pursuant to Federal Rule of Civil Procedure 5(b)(2)(E) and/or (F), any garnishee may consent in writing to accept such initial service by other means, including facsimile, e-mail, or other verifiable electronic means. The consent of the garnishee may be manifested in the garnishee's rules, policies or

other instructions regarding service. Service shall be deemed made within the District if a natural person within the District causes the service to be transmitted to a garnishee having an office within the District; and it is further,

**ORDERED**, that a copy of this Order be attached to and served with initial service of the Process of Maritime Attachment and Garnishment upon each garnishee; and it is further,

**ORDERED**, that following initial service as described above, supplemental service of the Process of Maritime Attachment and Garnishment may be made by way of facsimile transmission or e-mail to a fax number or e-mail address designated by the garnishee for that purpose or by other means consented to by the garnishee pursuant to Fed. R. Civ. P. 5(b)(2)(E) and/or (F). Such consent may be manifested in the garnishee's rules, policies or other instructions regarding service; and it is further,


**ORDERED**, that service on any garnishee as described herein is deemed to be effective and continuous (i) throughout the remainder of the day of service from the time of such service and (ii) through the end of the next business day, provided another service is made during the next business day; and it is further,

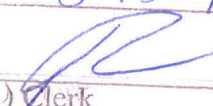
**ORDERED**, that this Order shall automatically expire 120 days from the date of its issuance, except that the Order shall not expire in respect of any funds attached during that period. Moreover, this Order may be extended for up to an additional 90 days upon a showing of good cause by Plaintiff, provided that where at least some funds have been attached within the first 120 days, such extension shall be freely given. Such application for an extension may be made by letter application. Further 90-day extensions may be granted in the discretion of the Court, but only upon a showing by Plaintiff of extraordinary circumstances; and it is further,

**ORDERED**, that upon expiration or vacatur of this Order by reason of the preceding paragraph, this Action may be dismissed without prejudice, without costs, and without further notice to any party.

Dated: August 15, 2011

SO ORDERED:

  
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U.S.D.J.  
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CERTIFIED AS A TRUE COPY ON  
THIS DATE 8-15-11  
BY   
( ) Clerk  
(☒) Deputy